

REMARKS

With entry of the present amendment the application will contain claims 1-13 all of which are under examination.

Support for Claim Amendments

Three significant limitations have been added to claims 1, 2, and 12. A fourth limitation has been added to claim 2. These three claims, i.e. claims 1, 2, and 12, are the only independent claims in the case. All other claims are either directly or indirectly dependent on one or more of these claims. Therefore every claim in the case is now limited as described above.

Support for the first limitation relating to a certain thickness ratio (t_2/t_1) can be found in the specification as filed on page 5 in the paragraph beginning on line 2.

The second limitation is also fully supported in the specification as filed. "Plastic deformation" is disclosed on page 6 at about line 3. "Monoblock casting" is disclosed on page 6 at about line 27. The use of different materials is discussed on page 8, the penultimate line.

Support for the third limitation relating to certain thicknesses can be found in the specification as filed on page 5 at lines 19-28.

Support for the fourth limitation, added only to claim 2, relating to the use of the "same materials" is discussed in the specification as filed on page 8 at about line 26.

Issues under 35 USC 103

The rejection of claims 1, 2, 4-6, 8-11 and 13 in paragraph 1 on page 2 of the last office action as obvious under 35 USC 103 over US Patent 5,346,217 (Tsuchiya '217) is traversed but has been rendered moot by the present amendments.

Tsuchiya '217 neither discloses nor suggests the claimed invention. The attention of the Examiner is invited to Tsuchiya '217 figure 7, which is representative of the disclosure of Tsuchiya '217. Tsuchiya '217 discloses in Figure 7 a face section piece 21, a crown section piece 22 and a sole section piece 23. Tsuchiya '217 proposes to use plastic working on a rolled metallic thin plate 20 (pressing with a mold 30). Tsuchiya '217 does not however suggest using casting.

Tsuchiya '217 does not teach the use of different metal materials for his three pieces 21, 22, and 23. Different materials are required in many of the present claims for the corresponding pieces.

Even presuming for the sake of argument that Tsuchiya '217 teaches thicknesses, t1, t2, and t3 for the face, crown and sole; Tsuchiya '217 does not teach the use of a variable

thickness for each part. Neither does Tsuchiya '217 teach the thickness ratio (t_2/t_1) now present in all claims.

In summary the claimed invention differs from the disclosure of Tsuchiya '217 at least in the use of different materials; different thicknesses; and different methods of production.

The rejection of claim 3 in paragraph 2 on page 3 of the last office action as obvious under 35 USC 103 over Tsuchiya '217 in view of "official notice" is traversed but has been rendered moot by the present amendments. As explained above Tsuchiya '217 does not render the claimed invention obvious.

Objection is raised to the reliance on "official notice". If the claim limitations are so well known, it should be no burden on the Examiner to cite prior art in support of his position. Absent the presence in the record of prior art, this ground of rejection should be withdrawn. This is a challenge issued pursuant to the provisions of MPEP 2114.03C. The Examiner is respectfully requested to support his finding with adequate evidence.

The rejection of claims 7 and 12 in paragraph 3 on page 4 of the last office action as obvious under 35 USC 103 over Tsuchiya '217 in view of US Patent 6,162,133 (Peterson) and US Patent 5,205,560 (Hoshi) is traversed but has been rendered moot by the present amendments. As explained above Tsuchiya '217

does not render the claimed invention obvious either alone or in combination with any other reference. The deficiencies of Tsuchiya '217 are not supplied by either Peterson or Hoshi.

Conclusions

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David R. Murphy (Reg. No. 22,751) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$930.00 is attached hereto.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Joseph A. Kolasch, #22,463


JAK/DRM/crt
0229-0649P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000